REMARKS

Claims 11-19, 23-29, 31 and 32 are now in the application. In the Office Action mailed January 28 2008 an objection was raised to the drawings. Replacement sheets for all of the drawings are submitted herewith and removal of the objection is requested. Claims 11, 29 and 30 also stand rejected on the basis of obviousness-type double patenting. To overcome this rejection a terminal disclaimer is submitted herewith. Claims 11-19 and 23-33 were rejected under Section 101 as directed to non-statutory subject matter. Applicants disagree in part with this rejection, but believe that any valid basis for the Examiner's rejection is completely overcome by way of amendment to claims 11 and 29. By way of example, claim 29 is directed to an automation system comprising a web server. It is well known that any server is a combination of hardware and software. However, to more clearly demonstrate that the claim is directed to statutory subject matter, claim 29 expressly now recites "an expansion module ... providing an automation functionality with connection to an input/output module of an automation system ..." Similar changes are made to claim 11. Removal of the rejection under Section 101 is requested. Numerous other changes have been made to the claims to correct errors of an apparent nature and more clearly present subject matter intended to distinguish the invention.

All of the claims are newly rejected under Section 102 based on Swales (U.S. 6,321,272). This new rejection is traversed, but because the Examiner has specifically requested that patentable distinctions be clearly pointed out in this response, applicants have changed the wording of claims 11 and 29 to more clearly recite that which was previously presented. It is submitted that these amendments do not create new issues or require further search. Rather, the amendments provide more express language than previously presented to cover subject matter previously claimed.

At the outset, as described at par [0022] of the published application for an embodiment, a web server includes an expansion module which may take on the functions of a programmable logic controller (PLC). That is, the PLC function is part of the server. This subject matter is not at all suggested in the Swales reference. Moreover, it is not seen that the embodiment disclosed at Figure 3 of Swales pertains to control of an automation functionality. The reference does

disclose that "application programs 36" control I/O devices, but these are not part of the web server. See also Figure 2 of Swales. With regard to Figure 5 of Swales, again, the PLC is neither par of the server.

This amendment does not create any new issues relating to patentability and places the application in condition for allowance. For example, subject matter of claim 11, previously presented as "a first mechanism for implementing an automation functionality" is now recited as "an expansion module which provides the functions of a programmable logic controller ..." The prior-claimed first mechanism always read on the now-recited expansion module.

Conclusion

For the above reasons all of the objections and rejections should be removed and the application should be passed to allowance. Based on the foregoing distinctions it is submitted that the rejection under Section 102 is in error and the claims are neither anticipated by nor obvious in view of Swales. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: _____4/28/08_____   By: _____

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